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FEDERAL COMMUNICATIONS COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 97-84
FM Broadcast Stations)	RM-9021
(Pauls Valley, Oklahoma))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

JOINT SUPPLEMENT REGARDING SULPHUR, OKLAHOMA

Bowie-Nocona Broadcasting Company, Inc., Dynamic Broadcasting, Inc., and East Texas Broadcasting Company, Inc. ("Joint Petitioners") and DFWU, Inc. ("DFWU"), by their respective counsel, hereby submit this joint supplemental pleading with declarations in response to a request from the Commission staff. The Commission's staff has requested that the parties clarify the agreement reached between the parties whereby DFWU will be reimbursed for the reasonable costs related to its channel change and transmitter site relocation. On April 4, 1997, DFWU was granted an upgrade to Class C3 by a one-step application (BPH-9607261C). Previously in 1992, DFWU had obtained a Class C2 allotment through a rule making proceeding but never implemented that upgrade. In view of the fact that the joint petitioner's counterproposal was filed on April 28, 1997, prior to the date that the Class C3 grant was final, the Commission staff has asked for a clarification that the parties' agreement did not involve a payment from the joint petitioner to DFWU to withdraw the then granted but not yet final Class C3 application. In addition the joint petitioners will take this

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opportunity to clarify that the agreement did not contemplate having DFWU forego from filing a Class C2 application.

On May 30, 1997 the Commission issued a Report and Order (DA-97-1093) in which it downgraded Station KFXT from Channel 265C2 to Channel 265C3. Station KFXT currently operates at 3 kW@91 meters on Channel 265A. By changing to Channel 291A at a new transmitter site, KFXT could operate its facility with 6 kW and thereby increase its coverage area and population substantially.

The counterproposal states at p. 15, "the joint petitioners hereby state that they will reimburse KFXT for the channel and site changes". The parties never discussed and certainly did not intend to have any portion of the consideration applied to DFWU's withdrawing its Class C3 application¹ or its willingness to forego filing an application for the Class C2 facility. The parties have provided declarations attesting to that fact.

Accordingly, the parties state in their declarations that the agreement reached between the parties does not contemplate any payment for having DFWU withdraw the Class C3 application nor forego the filing of an application for a Class C2 facility. Furthermore, there is no other agreement between the parties contemplating any such payment. Accordingly, the parties to this proceeding urge the Commission to issue a Public Notice accepting the April 18, 1997 counterproposal and to act expeditiously on this proposal once the record is closed.

¹ In this regard, DFWU's application for a Class C3 was granted on April 4, 1997 and remains in effect. DFWU is free to construct the Class C3 facility if it desires to do so subject to the outcome of this proceeding.

Respectfully submitted,

BOWIE-NOCONA BROADCASTING
COMPANY, INC.

DYNAMIC BROADCASTING, INC.

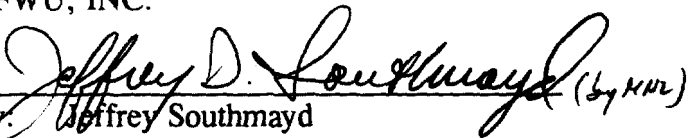
EAST TEXAS BROADCASTING CO., INC.



By: Mark N. Lipp
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Their Counsel

DFWU, INC.

 (by HMR)

By: Jeffrey Southmayd
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Its Counsel


February 23, 1998

DECLARATION

I, Sherry Austin, President of DFWU, Inc. (hereafter "DFWU"), the licensee of KFXT(FM), Sulphur, Oklahoma, hereby state that no party to the MM Docket No. 97-84 proceeding has paid, agreed to pay, or promised to pay DFWU or me in exchange for dismissing the DFWU application for a Class C3 facility at Sulphur, Oklahoma, or to forego in filing an application for Class C2 facilities for KFXT (FM). In fact, being paid consideration for either of these matters was never even discussed with me in connection with the MM Docket No. 97-84 proceeding. The agreement by DFWU and the parties to the counterproposal is to pay DFWU an amount for its costs and expenses related to the frequency change and transmitter site relocation to a site further north than the present KFXT(FM) site. There is no agreement between DFWU and anyone, including the parties to the counterproposal, whereby DFWU has agreed to be paid any consideration in return for dismissing its Class C3 up-grade application, or for DFWU's agreement to forego the filing of a Class C2 up-grade for the station.

I hereby certify that the statement made herein are true and correct to the best of my personal knowledge and belief and are made in good faith.

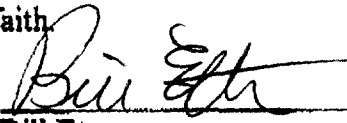
Date: February 20, 1998


Sherry Austin
President, DFWU, Inc.

DECLARATION

I, Bill Etter, President of Bowie-Nocona Broadcasting Company, Inc. ("BNBC"), hereby state the neither I nor any other principal of BNBC has paid, agreed to pay or promised to pay DFWU, Inc., licensee of Station KFXT, Sulphur, Oklahoma, in exchange for dismissing its application for a Class C3 facility at Sulphur, Oklahoma or to forego filing an application for Class C2 facilities. The agreement signed by BNBC and DFWU is to reimburse DFWU for its expenses related to the channel change and transmitter site relocation. There is no other agreement between BNBC and DFWU in which DFWU would be paid for dismissing the Class C3 application or for its willingness to forego the filing of a Class C2 application.

I hereby certify that the statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.



Bill Etter
President
Bowie-Nocona Broadcasting Company, Inc.

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#019635617

DECLARATION

I, John Mitchell, President of East Texas Broadcasting Company, Inc. ("ETBC"), hereby state that neither I nor any other principal of ETBC has paid, agreed to pay or promised to pay DFWU, Inc., licensee of Station KFXT, Sulphur, Oklahoma, in exchange for dismissing its application for a Class C3 facility at Sulphur, Oklahoma or to forego filing an application for Class C2 facilities. The agreement signed by ETBC and DFWU is to reimburse DFWU for its expenses related to the channel change and transmitter site relocation. There is no other agreement between ETBC and DFWU whereby DFWU would be paid for dismissing the Class C3 application or for its willingness to forego the filing of a Class C2 application.

I hereby certify that the statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.



John Mitchell
President

East Texas Broadcasting Company, Inc.


PH012.001

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DECLARATION

I, Lloyd Mynatt, President of Dynamic Broadcasting, Inc. ("DBI"), hereby state that neither I nor any other principal of DBI has paid, agreed to pay or promised to pay DFWU, Inc., licensee of Station KFXT, Sulphur, Oklahoma, in exchange for dismissing its application for a Class C3 facility at Sulphur, Oklahoma or to forego filing an application for Class C2 facilities. The agreement signed by DBI and DFWU is to reimburse DFWU for its expenses related to the channel change and transmitter site relocation. There is no other agreement between DBI and DFWU whereby DFWU would be paid for dismissing the Class C3 application or for its willingness to forego the filing of a Class C2 application.

I hereby certify that the statements are true, complete and correct to the best of my knowledge and belief and are made in good faith.


Lloyd Mynatt
President
Dynamic Broadcasting, Inc.

PH012.001

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Ginsburg, Feldman & Bress, hereby certify that I have, this 23rd day of February, 1998, caused to be delivered by U.S. mail, postage pre-paid or by hand, as indicated, the foregoing "Joint Supplement Regarding Sulphur, Oklahoma" as follows:

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* HAND DELIVERY
PH012.001

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Lisa M. Balzer